C.8.2004

003

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 2559/2004

PETITIONER

Devesh Kumar Sharma aged about 30 years, son of Late Bali Prasad Sharma, resident of – In front of Collage-Pithora, Distt. Mahasamund (CG)

P.R. No. 2550/04 Shri V. Pandey 12-8-04

VERSUS

RESPONDENTS

1. The Union of India, through : Secretary, Ministry of Home Affairs, New Delhi.

2. State of Chhattisgarh, through : the Secretary, Department of Forest, Mantralay (CG)

3. State of Madhya Pradesh, through : Secretary, Department of Forest, Vallabh Bhawan, Bhopal (MP)

4. The Collector, Mahasamund (Chhattisgarh)

शपथ आयुक्त एस.के. शुक्ला बिलासपुर तहसील दो

Received Copy Shri Yadav 12/8/04 Clerk to Shri VINAY PATHAK Senior Counsel Government Standing Counsel CHHATTISGARH HIGH COURT

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS ETC. AND FOR APPROPRIATE ORDER

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

031

आदेश पत्रक

मामला क्रमांक W.P. No. 2552/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21-12-2005

Petitioner by Shri Vinay Pandey, Advocate.
Shri Vivek Sharma, Panel Lawyer, for the State.
Heard.

This case relates to compassionate appointment consequent upon the death of an employee serving in the State.

Learned counsel for the petitioner categorically stated that in this case, the death of the employee has occurred on or after 1-11-1997 and not earlier. It is further submitted that in batch of cases bearing W.P. No.1322/2002 involving the same question orders have been passed by this Court on 20/12/2005. He prays that similar orders may be passed in this case also.

Learned counsel for the State does not dispute the above fact and state that the State of Chhattisgarh has taken a decision to consider the cases of dependants of those employees who died on or after 1/11/1997 strictly in accordance with the policy prevalent at that time.

In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the State of Chhattisgarh and the authorities concerned to consider and decide the case of the petitioner in accordance with the policy prevalent at the time of death of the employee concerned. If the petitioner found eligible, appointment orders will be issued as early as possible on or before 30th April, 2006. The petitioner is also directed to render due co-operation to the authorities. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law including filing of the petition before this Court.

With the aforesaid observations, this petition stands disposed of.

Certified copy as per rules.

Copy to the State counsel, who will be obliged to communicate the order to the respondents for compliance.

Sd/-
Fakhruddin
Judge

[पीछे देखिये